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FILED
DISTRICT COURT
2009 MAY 13 P 2:28

DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

| | | |
|---------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, | : | SEALED |
| | : | |
| Plaintiff, | : | INDICTMENT |
| | : | |
| vs. | : | VIO. 16 U.S.C. § 470ee, 18 U.S.C. § |
| | : | 641 |
| RULON KODY SOMMERVILLE, | : | |
| | : | |
| Defendant. | : | TRAFFICKING IN STOLEN |
| | : | ARTIFACTS, THEFT OF |
| | : | GOVERNMENT PROPERTY |

The Grand Jury charges:

COUNT 1

Case: 2:09-cr-00289
Assigned To : Sam, David
Assign. Date : 5/13/2009
Description: USA v.

On or about August 27, 2008, in the Central Division of the District of Utah, the
defendant

RULON KODY SOMMERVILLE

did knowingly sell and offer to sell an archaeological resource, to wit: a San Pedro knife, which
was excavated or removed from public lands owned and administered by the United States in San
Juan County, Utah in violation of Federal law, which resource was valued in excess of \$500, all
in violation of 16 U.S.C. § 470ee(b).

COUNT 2

On or about August 27, 2008, in the Central Division of the District of Utah, the
defendant,

RULON KODY SOMMERVILLE

did knowingly sell and offer to sell an archaeological resource, to wit: a Tularosa Basal notched knife, which was excavated or removed from public lands owned and administered by the United States in San Juan County, Utah in violation of Federal law, the value of which did not exceed \$500, all in violation of 16 U.S.C. § 470ee(b).

COUNT 3

On or about August 27, 2008, in the Central Division of the District of Utah, the
defendant,

RULON KODY SOMMERVILLE

did wilfully and knowingly embezzle, steal, purloin and convert to his own use and sell, without authority, property of the United States with a value of more than \$1,000 to wit: a San Pedro

knife and a Tularosa Basal notched knife belonging to the United States, all in violation of 18 U.S.C. § 641.

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

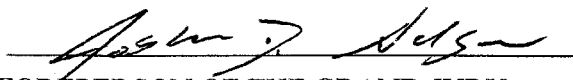
As a result of committing the felony offenses alleged in Counts 1 and 3 of this Indictment which are punishable by imprisonment for more than one year, the defendants shall forfeit to the United States pursuant to 16 U.S.C. §470gg(b) all archaeological resources with respect to a which a violation of 16 U.S.C. § 470ee(b) occurred and all vehicles and equipment of any person which were used in any manner or part to commit and facilitate the commission of such offense. The defendants shall also forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461 any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 641.

If any of the property described above, as a result of any act or omission of the Defendant:

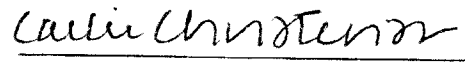
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without

difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c).

A TRUE BILL:


FOREPERSON OF THE GRAND JURY

BRETT L. TOLMAN
United States Attorney


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